

Stark County Planning and Zoning Commission Minutes

**February 25, 2016
3:00 pm**

Chairman Russ Hoff called the meeting of the Stark County Planning and Zoning Commission to order. Chairman Hoff, Duane Grundhauser, Kurt Froelich, Gene Jackson, Jay Elkin and Byron Richard were present and absent were Klayton Oltmanns, Sue Larson, Daneen Dressler. Also present was Diane Brines, Zoning Administrator and County Planner Steve Josephson.

Duane Grundhauser moved to approve the minutes from the January 28th meeting. Gene Jackson seconded. All voted Aye and motion carried.

Agenda Item #2:

Chairman Hoff opened the public hearing on a request from Esley Pribyl. The request is for a rezoning from Agricultural to Rural Residential located in the SW4 and the S2NW4 Section 35, Township 140, Rang 95 containing approximately 94.84 acres parcel. The applicant wishes to develop the parcel as six-lot residential subdivision. A companion request for approval of a preliminary plat for the Green River Estates Second Subdivision on the 3rd agenda item.

Chairman Hoff asked for anyone to speak for or against the Zoning change.

Esley Pribyl and his attorney, Christine Wenko spoke on the first subdivision and said second one will have restrictive covenants that address roads. Discussed leafy spurge and had been sprayed twice. Concerns from the existing home owners were road maintenance and dust control as well as the impact on the existing road with more traffic. Those concerns were voiced by Robert Williams, Ernie Simioniw and Robert Williams. Russ Hoff closed the public hearing.

Discussion by Board: Russ Hoff, Jay Elkin and Byron Richards was the road. Al Heiser was requested to bring forth at County Commissioners meeting estimated cost to bring road up to county standards.

Jay Elkin made motion to approve zoning change with a condition for road cost sharing with county to be discussed between Al Heiser and Esley Pribyl. Seconded by Gene Jackson. Roll call vote all voted Aye motion carried.

STAFF RECOMMENDATION: Approval of the rezoning based upon the following findings:

- The proposed rezoning is consistent with the residential development pattern to the south of the property and within the general vicinity.

The request is consistent with the following objectives of the Stark County Comprehensive Plan:

- LAND USE-Strive to protect the agricultural integrity of rural areas; and
- LAND USE-Avoid conflicts between land uses.

Approval of the rezoning is subject to the following condition:

- **The applicant and the County Road Superintendent shall meet to discuss a cost sharing agreement for the repair and maintenance of 104F Avenue SW.**

Agenda Item #3:

Chairman Hoff opened the public hearing on a request from Esley Pribyl. The request is for a Preliminary Plat of the Green River Estates Second Subdivision on a parcel located in the SW4 and S2NW4 Section 35, Township 140, Range 95 containing approximately 94.84 acres.

Chairman Hoff asked for anyone to speak for or against the Preliminary Plat. Quentin Obrigewitsch will clarify acreage between plat and application. Also discussion cul-de-sac, Kurt Froelich mentioned 2 entrances into sub was discussed could be changed by board, being no place for 2nd access. Public hearing closed by Russ Hoff.

A cul-de-sac road within the proposed subdivision was constructed prior to the submittal of the preliminary plat application. The applicant proposes to use the cul-de-sac road to serve four lots. The proposed cul-de-sac diameter is shown as 140 feet and this meets the minimum standards of Section 7.11 of the Stark County Subdivision Regulations. The length of the cul-de-sac road is 539 feet, and this exceeds the maximum length of cul-de-sac roads as listed in Section 7.11. The final plat shall show that the cul-de-sac road does not exceed the maximum length of 500 feet as required by the Stark County Subdivision Regulations.

Gene Jackson moved to approve preliminary plat of Green River Estates Second Subdivision with staff recommendations, seconded by Duane Grundhauser. Roll call vote. All voted Aye and the motion carried.

STAFF RECOMMENDATION:

Staff recommends approval of the preliminary plat request subject to the following conditions:

1. Prior to final plat approval, the applicant shall submit a written statement from the County Road Superintendent stating that Green River Estates Second Subdivision will be accessed by roads that meet the County's minimum standards;
2. Prior to final plat approval, the applicant shall submit an estimate of the cost of providing any required improvements based upon county design standards;
3. Prior to final plat approval, the applicant shall reduce the length of the cul-de-sac road to meet the maximum requirement of 500 feet as found in the Stark County Subdivision Regulations;
4. Prior to final plat approval the applicant shall provide a plan for the maintenance of both 104F Avenue SW as well as the proposed cul-de-sac road. This plan will also address how the impacts of the increased traffic from the proposed subdivision on the portion of 104F Avenue SW currently serving the residents of the Green River Estates Subdivision will be mitigated;
5. Prior to final plat review the applicant shall address the following engineering comments:
 - a. The adjusted 104th road easement does not appear to align with the existing easement at the south end;
 - b. The name of the surveyor in the Proprietor's Certificate should match the surveyor in the Surveyor's Certificate;
 - c. It appears that a fence post is being used as a monument. There should at least be a reference pin installed;
 - d. Note 5 should say "PROPERTY IS PARTIALLY LOCATED IN THE FEMA..."; and
 - e. Point data indicates "INTERNATIONAL FEET" and note 4 indicates "SURVEY FEET". These should be consistent.
6. Prior to final plat approval, a formal request for service from Southwest District Water shall be submitted to the County Planning and Zoning Commission;
7. Prior to final plat approval, the applicant shall arrange for the County Weed Officer to inspect the property for all new and invasive and noxious weeds. If required by the County Weed Officer, the developer shall be responsible for implementing a Weed Control Plan as approved by the

- County Weed Control Office. The developer shall provide a copy of the Weed Officer's report and required weed control plan to the Stark County Zoning Administrator; and**
- 8. The applicant shall be responsible for the cost of any additional engineering review and analysis required by Stark County.**

County Planner, Steve Josephson

Steve Josephson, County Planner discussed the change of classification of zoning in the ETZ area. He will bring forth a report to the P&Z Board when finished.

Kurt Froelich made a motion to adjourn, seconded by Jay Elkin, roll call vote all voted Aye, motion carried.